

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

LEE YOUNG AND CHARLES J. MIKHAIL

PLAINTIFFS

V.

NO. 1:09-CV-669

RICHARD F. SCRUGGS, INDIVIDUALLY;  
SMBD, INC., DIRECTLY AND AS SUCCESSOR  
IN INTEREST TO SCRUGGS, MILLETTE BOZEMAN,  
AND DENT A/K/A SMBD, AND AS SUCCESSOR IN  
INTEREST TO SCRUGGS LEGAL, P.A.; AND  
DOE DEFENDANTS 1-20

DEFENDANTS

**DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME  
TO SUBMIT REBUTTAL BRIEF IN SUPPORT OF MOTION TO DISMISS**

Defendants Richard F. Scruggs and SMBD, Inc. ("Defendants"), request this Court to enlarge the time in which they may submit their rebuttal brief in support of their Motion to Dismiss. In support of this Motion, Defendants state as follows:

1. Defendants filed their Motion to Dismiss on Monday, December 21, 2009. Plaintiffs responded on Monday, January 4, 2010. Defendants' rebuttal brief is due on Monday, January 11, 2010. *See* Order (December 22, 2009).

2. Defendants seek an enlargement of time until Wednesday, January 20, 2010, in which to submit their rebuttal brief.

3. Defendants seek this enlargement of time because their legal counsel will not have adequate time to prepare their rebuttal brief before January 20. Cal Mayo has work requiring him to be out of town for several days, two commercial transaction closings, a deposition and other obligations that prevent him from completing work on the brief before January 20. Pope Mallette has a trial next week and is currently preparing for that trial. Paul Watkins and his wife had their first child last night, and he will be out of the office for several days into next week.

4. This extension of time is not requested for the purpose of delay and will not prejudice any of the parties in any way. Even with this enlargement of time, the parties will have completed all briefing on this dispositive motion in one month.

FOR THESE REASONS, Defendants request that this Court grant an enlargement of time until and including Wednesday, January 20, 2010, in which to submit their rebuttal brief in support of their Motion to Dismiss. Defendants request such other relief as the Court deems appropriate under the circumstances.

THIS, the 6<sup>th</sup> day of January, 2010.

RICHARD F. SCRUGGS AND SMBD, INC.

/s/ J. Cal Mayo, Jr.

J. CAL MAYO, JR. (MB NO. 8492)

POPE S. MALLETT (MB NO. 9836)

PAUL B. WATKINS (MB NO. 102348)

*Attorneys for Defendants*

OF COUNSEL:

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**CERTIFICATE OF SERVICE**

I, J. CAL MAYO, JR., one of the attorneys for Defendants Richard F. Scruggs and SMBD, Inc., do certify that I have electronically filed the foregoing document with the Clerk of the Court using the ECF system, who forwarded a copy of same to the following:

James R. Reeves, Jr.  
Matthew G. Mestayer  
Lumpkin, Reeves & Mestayer, PLLC  
160 Main Street  
P.O. Drawer 1388  
Biloxi, Mississippi 39533  
ATTORNEYS FOR PLAINTIFFS

THIS, the 6<sup>th</sup> day of January, 2010.

/s/ J. Cal Mayo, Jr.  
J. CAL MAYO, JR.